



LABOR NEWS

ARKANSAS DEPARTMENT OF LABOR

Mike Huckabee, Governor

Vol. 28, No. 3 Fall 2005

James L. Salkeld, Director



ATTORNEY GENERAL MIKE BEEBE WARNS EMPLOYERS OF LABOR FORMS

by Matt DeCamp, Attorney General's Office

Attorney General Mike Beebe recently issued a consumer alert directed at Arkansas employers. Even though state and federal laws require the posting of certain notices at businesses, these forms can be obtained from state and federal agencies at no cost. Unfortunately, there are solicitors seeking to charge business owners for these free forms through mailed advertisements and on the Internet.

"This is another example of opportunists trying to convince you to pay for a government service you can get for free," Beebe said. "While it is important that businesses comply with the law and post mandated notices regarding workers' rights and wage laws, there is no need to pay money to meet those requirements."

The Arkansas Department of Labor provides a list of all the notices that must be posted at a workplace and who to contact to receive each of those signs free-of-charge. That list can be obtained on the Internet by clicking on the "required postings for Arkansas employers" link at www.arkansas.gov/labor/, or by calling (501) 682-4500. The U.S. Department of Labor can be contacted at (501) 223-9114.

Some of the offers being mailed to businesses or being posted on the Internet seek to charge as much as \$60 for the notices. The ads imply that it is required to pay for ordering these notices to comply with the law. Employers who pay for the service receive laminated versions of the same notices that are obtainable for free from the various agencies. In fact, Labor officials tell the Attorney General's Office that some of these sellers contact them to obtain the same free forms and then turn around and attempt to sell them to employers.

"Employers are often targets for questionable sales pitches such as this one, as well as other offers that are outright frauds," Beebe added. "Business owners should instruct their purchasers to verify offers and invoices before writing checks on behalf of the company."

For information on other consumer matters, contact the Public Protection Division of the Attorney General's Office at Suite 200, 323 Center Street, Little Rock, AR 72201. The office can be reached by calling 682-2341 (Little Rock) or 1-800-482-8982. Spanish-speaking consumers can also call (501) 683-3130. TDD service is available for the hearing impaired at 682-6073. The address on the World Wide Web is www.arkansasag.gov.

The "Notice to Employer and Employee" poster which covers such laws as minimum wage, overtime, child labor, wage collection, etc., was updated last month to reflect the changes passed by the legislature this year. See the following article for more information.

STATE WAGE AND HOUR POSTERS UPDATED

The Arkansas Department of Labor revised their "Notice to Employer and Employee" poster, which is required to be displayed by all Arkansas employers with annual sales of less than \$500,000 and four or more employees.

The new posters reflect the changes in the law passed by the Eighty-fifth General Assembly for the State of Arkansas. These laws became effective August 12.

The two updates on the poster reflect changes in Arkansas' child labor laws. Act 939 of 2005 clarifies the permissible hours of employment for 16 and 17 year olds. Before this change, the law was unclear on the permissible hours for nights preceding non-school days. The change clearly allows work after 11:00 p.m. on a night preceding a non-school day and gives the Agency regulatory authority to determine if there are certain jobs that are unsafe during these hours.

Act 940 of 2005 created a narrow exemption from child labor law requirements for children who serve as referees for youth sporting events.

To print the revised poster from our website, go to www.arkansas.gov/labor/ and on the left side of the home page click on **Required Postings for** (contd. on next page – See Poster)



NOT ALL GARNISHMENTS PROVE TO BE PLEASING

While we love to see the creative garnishments that top chefs add to their delicacies to make them more pleasing to the eye, we wouldn't be nearly as thrilled to find any garnishments on our paychecks.

Wage garnishment is a legal procedure in which a person's earnings are required by court order to be withheld by an employer for the payment of a debt such as child support. Title III of the Consumer Credit Protection Act (CCPA) protects employees from discharge by their employers because their wages have been garnished for any one debt, and it limits the amount of an employee's earnings that may be garnished in any one week. Title III applies to all employers and individuals who receive earnings for personal services (including wages, salaries, commissions, bonuses, and income from a pension or retirement program, but ordinarily not including tips.)

Wage garnishment occurs when an employer withholds the earnings of an individual for the payment of a debt as the result of a court order or other equitable procedure. Title III prohibits an employer from discharging an employee because his or her earnings have been subject to garnishment for any one debt, regardless of the number of levies made or proceedings brought to collect it. Title III does not, however, protect an employee from discharge if the employee's earnings have been subject to garnishment for a second or subsequent debt.

Title III also protects employees by limiting the amount of earnings that may be garnished in any workweek or pay period to the lesser of 25 percent of disposable earnings or the amount by which disposable earnings are greater than 30 times the federal minimum hourly wage prescribed by Section 6(a)(1) of the Fair Labor Standards Act of 1938. This limit applies regardless of how many garnishment orders an employer receives. As of September 1, 1997, the federal minimum wage is \$5.15 per hour.

In court orders for child support or alimony, Title III allows up to 50 percent of an employee's disposable earnings to be garnished if the employee is supporting a current spouse or child, and up to 60 percent if the employee is not doing so. An additional five percent may be garnished for support payments over 12 weeks in arrears. The restrictions noted in the preceding paragraph do not apply to such garnishments.

"Disposable earnings" is the amount of earnings left after legally required deductions (e.g., federal, state and local taxes, Social Security, unemployment insurance, and state employee retirement systems) have been made. Deductions not required by law (e.g., union dues, health and life insurance, and charitable contributions) are not subtracted from gross earnings when the amount of disposable earnings for garnishment purposes is calculated.

Title III specifies that garnishment restrictions do not apply to bankruptcy court orders and debts due for federal and state taxes. Nor do they affect voluntary wage assignments, i.e., situations where workers voluntarily agree that their employers may turn over a specified amount of their earnings to a creditor or creditors.

In most cases, Title III gives wage earners the right to receive at least partial compensation for the personal services they provide despite wage garnishment. This law also prohibits an employer from discharging an employee because of garnishment of wages for any one indebtedness.

Violations of Title III may result in reinstatement of a discharged employee, payment of back wages, and restoration of improperly garnished amounts. Where violations cannot be resolved through informal means, the U.S. Department of Labor may initiate court action to restrain violators and remedy violations. Employers who willfully violate the discharge provisions of the law may be prosecuted criminally and fined up to \$1,000, or imprisoned for not more than one year, or both.

If a state wage garnishment law differs from Title III, the employer must observe the law resulting in the smaller garnishment, or prohibiting the discharge of an employee because his or her earnings have been subject to garnishment for more than one debt.

The Wage and Hour Division of the Employment Standards Administration of the U.S. Department of Labor administers and enforces Title III and accepts complaints of alleged Title III violations. For more detailed information, including copies of explanatory brochures and regulatory and interpretative materials, visit their website at www.dol.esa.whd/, or call 1-866-4USWAGE.

Or you may call the Arkansas Department of Labor's Labor Standards Division at 501-682-4505.

POSTER (contd from page 1)
Arkansas Employers. Then click on the title **Notice to Employer and Employee** and you will have access to a PDF copy of the poster. Or you may call the Department's Labor Standards Division at 501-682-4505 or e-mail jill.stacy@arkansas.gov to request one be mailed to you.

U.S. LABOR OFFERS NEW COMPLIANCE PUBLICATIONS IN SPANISH

The U.S. Department of Labor has added two more tools to help Hispanic business-owners and workers understand and comply with federal employment laws and regulations.

One is a *Frequently Asked Questions* document and the other is entitled *Help From DOL*. Also available are downloadable fact sheets, brochures, and the DOL's *Employment Law Guide*. The Department encourages Hispanic outreach organizations to use these ready-to-publish Spanish-language articles in their newsletters, member e-mails and other communication channels. Visit the U.S. DOL website at www.dol.gov/compliance/news/spanish.htm.



IN THE WORKS

📁 In 2003, 25 percent of working wives whose husbands also worked earned more than their husbands. This is up from 18 percent in 1987. Among *all* married-couple families in which the wife (but not necessarily the husband) had earnings from work in 2003, 32 percent of the wives earned more than their husbands, up from 24 percent in 1987.

📁 In the second quarter of 2005, 1,056 mass layoff actions were taken by employers that resulted in the separation of 211,009 workers from their jobs for at least 31 days. Both the total number of layoff events and the number of separations were sharply lower than in April-June 2004. Both figures were at their lowest levels for any second quarter since 2000. The declines over the year were most notable in administrative and support services, transit and ground passenger transportation, and food manufacturing.

📁 Median weekly earnings of the nation's 103.3 million full-time wage and salary workers were \$643 in the second quarter of 2005. Full-time workers age 25 and over without a high school diploma had median weekly earnings of \$412, compared with \$584 for high school graduates (no college) and \$996 for college graduates holding at least a bachelor's degree. Median weekly earnings of women with less than a high school diploma were \$343. Women who had only a high school diploma had median weekly earnings of \$491, while women who were college graduates (bachelor's degrees or higher) earned \$873. Men without a high school diploma had median weekly earnings of \$456; those with a high school diploma, but no college earned \$654. Men who had at least a bachelor's degree had median weekly earnings of \$1,150.



JOBS IN THE GREEN INDUSTRY

You see them everywhere around town, in trucks, in neighborhoods, around office buildings and apartment complexes. They're planting, trimming, blowing, mowing, gathering, or pulling up.

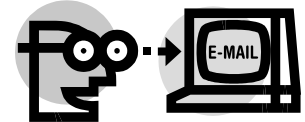
The business of growing flowers, greenery, trees, and vegetables and of planting them in the landscape is commonly called the green industry. Earnings in wage-and-salary jobs in this industry varied widely in May 2004, from \$20,420 for landscaping workers to \$114,680 for chief executives.

Landscaping and

groundskeeping workers had median annual earnings of \$20,420 in May 2004. Pesticide handlers, sprayers, and applicators made more, with median annual earnings, of \$25,590. The grounds maintenance workers with the highest pay were tree trimmers and pruners – their median annual earnings were \$26,150.

The median annual earnings of first-line supervisors of landscaping, lawn service, and groundskeeping workers were \$35,340 in May 2004. Landscape architects who worked for a wage or salary had median annual earnings of \$53,120.

General and operations managers in the landscaping services industry had median annual earnings of \$73,550 in May 2004 and chief executives had median annual earnings of \$114,680.



Get your Labor News by e-mail. Contact Sharon Adams at sharon.adams@arkansas.gov today!

LABOR NEWS

A quarterly publication of the Arkansas Department of Labor, 10421 West Markham, Little Rock, Arkansas 72205-2190, ph. 501-682-4500, e-mail jeanette.donahue@arkansas.gov. Alternate formats are available upon request. No information published herein should be construed as substituting for policy directives sent through regular channels to personnel.

James L. Salkeld, Director

Jeanette Donahue, Editor

If you would like your name off the mailing list or know someone who would like to be added, if your name/address/company has changed, or you would like to receive the newsletter by e-mail instead of U.S. Mail, please let us know.

☐ Add my name

☐ Remove my name

☐ Change my information (please include old label)

☐ E-mail Safety News

Name and title _____

Organization _____

Mailing Address _____

City, State, Zip _____

E-mail Address _____



(l to r) Arkansas Department of Labor Business Manager Becky Bryant and Director of Labor James L. Salkeld congratulate Doris Anderson along with her husband Michael on her graduation from the program.

DEPARTMENT EMPLOYEE RECEIVES AGM DESIGNATION

Doris Anderson, Applications and Systems Manager for the Arkansas Department of Labor, recently completed all requirements of the Arkansas Public Administration Consortium's Arkansas Governmental Manager program.

At the graduation ceremony held at the State Capitol on May 12, Doris also

received an "Honorable Mention" award for her required project plan entitled "Information Resources Strategic Guide for Agency Program Areas."

Twenty other Arkansas State Employees Association members graduated from various management programs offered by the Arkansas Public Administration Consortium (APAC). APAC, a state agency housed in UALR's Institute of Government, is a cooperative program of UALR, Arkansas State University in Jonesboro, and University of Arkansas at Fayetteville. APAC provides training and education for managers and leaders from the public and nonprofit sectors.

Doris is the seventh manager at the Department of Labor to obtain the AGM designation, and she plans to continue her educational requirements to obtain the Certified Public Manager designation as the other six ADOL managers have. We congratulate Doris on this accomplishment and on her project award.